

### **REMARKS**

Reconsideration in view of the above amendments and following remarks is respectfully requested. Claims 11-14 and 16-21 have been withdrawn from consideration. Claims 2, 3, 5, 22, 24 and 26 are under consideration in the subject application. Claim 26 has been allowed.

#### **A. Filing of Notice of Appeal**

It is believed that the amendments and arguments presented herein should put this application in condition for allowance. However, in order to preserve the rights of Applicants, a Notice of Appeal is being filed concurrently herewith.

#### **B. Rejections Addressed from March 26, 2003 Office Action (OA)**

##### **(1) Rejection of Claims 2, 3, 5, 22 and 24 under 35 U.S.C. 101 and 35 U.S.C. 112, first paragraph**

The Examiner continues to reject Claims 2, 3, 5, 22 and 24 under 35 U.S.C. 101 and 35 U.S.C. 112, first paragraph on the ground that “the claimed invention is not supported by a specific asserted utility or a well established utility.” (OA, page 2) This rejection is respectfully traversed.

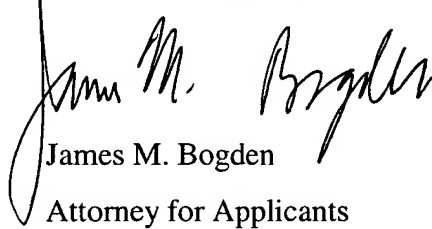
Contrary to the Examiner’s position, the claimed invention is supported by a utility which meets the requirements of 35 U.S.C. 101 and 112 for the reasons discussed in detail in the previous responses filed by Applicants. However, in order to expedite prosecution toward allowance, simplify the issues and pursue certain embodiments of the invention for business purposes, Claims 2, 3, 5, 22 and 24 have been cancelled. Applicants specifically reserve the right to pursue the subject matter of the canceled claims in a continuing application.

In view of the foregoing, the rejection of Claims 2, 3, 5, 22 and 24 under 35 U.S.C. 101 and 35 U.S.C. 112 should be withdrawn.

Early reconsideration and allowance of the pending claims, including the newly added claims is respectfully requested. If the Examiner believes that a telephone interview would expedite prosecution of this patent application, please call the undersigned at (206) 442-6568.

Respectfully Submitted,

Darrell C. Conklin et al.

A handwritten signature in black ink, appearing to read "James M. Bogden". The signature is fluid and cursive, with the first name "James" and last name "Bogden" clearly distinguishable.

James M. Bogden

Attorney for Applicants

Registration No. 32,962

Enclosures:

Amendment Fee Transmittal

Notice of Appeal

Petition and Fee for 3 Month Extension of Time (in duplicate)

Postcard